

Message Text

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ORIGIN EB-08

INFO OCT-01 NEA-10 ISO-00 CAB-05 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 NSC-05
H-02 /041 R

DRAFTED BY EB/OA/AVP:JSGRAVATT:PMA

APPROVED BY EB/OA/AVP:AJWHITE

EB/OA/AN:WARILEY

NEA/ARN:WNHOWELL

-----123781 150705Z /13

R 142248Z NOV 77
FM SECSTATE WASHDC
TO AMEMBASSY DAMASCUS

UNCLAS STATE 272588

E.O. 11652: N/A

TAGS: EAIR, SY

SUBJECT: CIVAIR - 1974 ANTIHIJACKING ACT

1. ON 8/5/74 THE PRESIDENT SIGNED INTO LAW THE ANTI-HIJACKING ACT OF 1974. THIS ACT AMENDS THE 1958 FEDERAL AVIATION ACT TO PROVIDE A MORE EFFECTIVE PROGRAM TO PREVENT AIRCRAFT HIJACKING. SOME OF THE PROVISIONS ARE FOR THE PURPOSE OF IMPLEMENTING THE 1970 HAGUE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT.

2. THE ACT GIVES THE PRESIDENT AUTHORITY TO SUSPEND AIR SERVICE TO ANY FOREIGN NATION THAT PERMITS TERRITORY UNDER ITS JURISDICTION TO BE USED FOR TERRORIST ACTIVITIES OR ACTS IN A MANNER INCONSISTENT WITH THE HAGUE CONVENTION. AIR SERVICE MAY ALSO BE SUSPENDED BETWEEN THE US AND ANY FOREIGN NATION THAT MAINTAINS AIR SERVICE TO AN OFFENDING COUNTRY. THIS SECTION OF THE ACT READS AS UNCLASSIFIED

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FOLLOWS:

"SEC. 1114. (A) WHENEVER THE PRESIDENT DETERMINES THAT A FOREIGN NATION IS ACTING IN A MANNER INCONSISTENT WITH THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT, OR IF HE DETERMINES THAT A FOREIGN NATION PERMITS THE USE OF TERRITORY UNDER ITS JURISDICTION

AS A BASE OF OPERATIONS OR TRAINING OR AS A SANCTUARY FOR, OR IN ANY WAY ARMS, AIDS, OR ABETS, ANY TERRORIST ORGANIZATION WHICH KNOWINGLY USES THE ILLEGAL SEIZURE OF AIRCRAFT OR THE THREAT THEREOF AS AN INSTRUMENT OF POLICY, HE MAY, WITHOUT NOTICE OR HEARING AND FOR AS LONG AS HE DETERMINES NECESSARY TO ASSURE THE SECURITY OF AIRCRAFT AGAINST UNLAWFUL SEIZURE, SUSPEND (1) THE RIGHT OF ANY AIR CARRIER OR FOREIGN AIR CARRIER TO ENGAGE IN FOREIGN AIR TRANSPORTATION, AND THE RIGHT OF ANY PERSON TO OPERATE AIRCRAFT IN FOREIGN AIR COMMERCE, TO AND FROM THAT FOREIGN NATION, AND (2) THE RIGHT OF ANY FOREIGN AIR CARRIER TO ENGAGE IN FOREIGN AIR TRANSPORTATION, AND THE RIGHT OF ANY FOREIGN PERSON TO OPERATE AIRCRAFT IN FOREIGN AIR COMMERCE, BETWEEN THE UNITED STATES AND ANY FOEIGN NATION WHICH MAINTAINS AIR SERVICE BETWEEN ITSELF AND THAT FOREIGN NATION. NOTWITHSTANDING SECTION 1102 OF THIS ACT, THE PRESIDENT'S AUTHORITY TO SUSPEND RIGHTS UNDER THIS SECTION SHALL BE DEEMED TO BE A CONDITION TO ANY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OR FOREIGN AIR CARRIER OR FOREIGN AIRCRAFT PERMIT ISSUED BY THE CIVIL AERONAUTICS BOARD AND ANY AIR CARRIER OPERATING CERTIFICATE OR FOREIGN AIR CARRIER OPERATING SPECIFICATION ISSUED BY THE SECRETARY OF TRANSPORTATION.

"(B) IT SHALL BE UNLAWFUL FOR ANY AIR CARRIER OR FOREIGN
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AIR CARRIER TO ENGAGE IN FOREIGN AIR TRANSPORTATION, OR FOR ANY PERSON TO OPERATE AIRCRAFT IN FOREIGN AIR COMMERCE, IN VIOLATION OF THE SUSPENSION OF RIGHTS BY THE PRESIDENT UNDER THIS SECTION."

IT SHOULD BE NOTED THAT THIS SECTION DOES NOT OPERATE AUTOMATICALLY BUT REQUIRES A PRESIDENTIAL DETERMINATION AND GIVES THE PRESIDENT DISCRETION AS TO IMPLEMENTATION OF STATED MEASURES AND THE LENGTH OF TIME IMPOSED.

3. A NEW SECTION 1115 OF THE FEDERAL AVIATION ACT REQUIRES THAT "(A) NOT LATER THAN 30 DAYS AFTER THE DATE OF ENACTMENT OF THIS SECTION, THE SECRETARY OF STATE SHALL NOTIFY EACH NATION WITH WHICH THE UNITED STATES HAS A BILATERAL AIR TRANSPORT AGREEMENT OR, IN THE ABSENCE OF SUCH AGREEMENT, EACH NATION WHOSE AIRLINE OR AIRLINES HOLDSAFOREIGN AIR CARRIER PERMIT OR PERMITS ISSUED PURSUANT TO SECTION 402 OF THIS ACT, OF THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION."

4. ACCORDINGLY SINCE SYRIAN ARAB AIRLINES NOW HOLD A FOREIGN AIR CARRIER PERMIT UNDER SECTIN 402 OF THE

FEDERAL AVIATION ACT, THE MISSION IS REQUESTED TO NOTIFY THE SYRIAN GOVERNMENT OF SECTION 1115 (B) OF THE ACT WHICH READS:

"(B) IN ANY CASE WHERE THE SECRETARY OF TRANSPORTATION, AFTER CONSULTATION WITH THE COMPETENT AERONAUTICAL AUTHORITIES OF A FOREIGN NATION WITH WHICH THE UNITED STATES HAS A BILATERAL AIR TRANSPORT AGREEMENT AND IN ACCORDANCE WITH THE PROVISIONS OF THAT AGREEMENT OR, IN THE ABSENCE OF SUCH AGREEMENT, OF A NATION WHOSE AIRLINE OR AIRLINES HOLD A FOREIGN AIR CARRIER PERMIT OR PERMITS ISSUED PURSUANT TO SECTION 402 OF THIS ACT, FINDS THAT SUCH NATION DOES NOT EFFECTIVELY MAINTAIN AND ADMINISTER SECURITY MEASURES RELATING TO TRANSPORTATION OF PERSONS OR PROPERTY OR MAIL IN FOREIGN AIR TRANSPORTATION THAT UNCLASSIFIED

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ARE EQUAL TO OR ABOVE THE MINIMUM STANDARDS WHICH ARE ESTABLISHED PURSUANT TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION, HE SHALL NOTIFY THAT NATION OF SUCH FINDING AND THE STEPS CONSIDERED NECESSARY TO BRING THE SECURITY MEASURES OF THAT NATION TO STANDARDS AT LEAST EQUAL TO THE MINIMUM STANDARDS OF SUCH CONVENTION. IN THE EVENT OF FAILURE OF THAT NATION TO TAKE SUCH STEPS, THE SECRETARY OF TRANSPORTATION, WITH THE APPROVAL OF THE SECRETARY OF STATE, MAY WITHHOLD, REVOKE, OR IMPOSE CONDITIONS ON THE OPERATING AUTHORITY OF THE AIRLINE OR AIRLINES OF THAT NATION."

IT IS TO BE NOTED THAT THIS SECTION REQUIRES ACTION CONSISTENT WITH THE PROVISIONS OF THE APPLICABLE BILATERAL AIR TRANSPORT AGREEMENT AND INVOLVES INTERNATIONAL STANDARDS WHICH HAVE BEEN AGREED IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION. THE SECTION REQUIRES CONSULTATIONS BY THE SECRETARY OF TRANSPORTATION WITH A FOREIGN GOVERNMENT PRIOR TO THE TAKING OF ANY ACTION WITH RESPECT TO THE OPERATING AUTHORITY OF ITS AIRLINES, AND THE FORM AND DURATION OF MEASURES ARE DISCRETIONARY AND REQUIRE THE APPROVAL OF THE SECRETARY OF STATE.

5. INFORM DEPT WHEN SYRIAN GOVERNMENT NOTIFIED OF SECTION 1115(B) OF FEDERAL AVIATION ACT. VANCE

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AIRCRAFT HIJACKING, LEGISLATIVE BILLS, ANTIHIJACKING PROCEDURES
Control Number: n/a
Copy: SINGLE
Sent Date: 14-Nov-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: JSGRAVATT:PMA
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770421-0893
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
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Litigation History:
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Message ID: 69d7f31a-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
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Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 598586
Secure: OPEN
Status: NATIVE
Subject: CIVAIR - 1974 ANTIHIJACKING ACT
TAGS: EAIR, PINS, PGOV, SY, US
To: DAMASCUS
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/69d7f31a-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009